

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6467 of 2022

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Anita Kumari wife of Amrendra Kumar, resident of Village- Dharampur,
Anchal- Sahar, Panchayat- Andhari Ward No. 12, Police Station- Chauri,
District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department (ICDS), Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Additional District Collector, Bhojpur at Ara.
4. The District Program Officer, Bhojpur at Ara.
5. The Child Development Project Officer, Sahar, Bhojpur.
6. Lady Supervisor, ICDS Sahar, Bhojpur, Ward No. 12, Panchayat- Andhari Sahar, Bhojpur.
7. The Block Development Officer, Sahar District- Bhojpur.
8. Sumanti Kumari wife of Satendra Kumar, resident of Village- Dharampur, Post- Koldiha, Police Station- Chauri, Block- Sahar, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate
For the Respondent/s : Mr.Smt. Kumari Amrita (Gp3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-12-2023

1. The present writ petition has been filed seeking the following reliefs:-

"1(i). For quashing of selection-cum-appointment letter dated 24.6.2019 contained in Annexure-4 whereby respondent no.8 Sumanti Kumari has been appointed as Anganwari Sevika at Anganwari Centre, Dharampur Eastern part Centre Code-114, Ward



No.12, Andhari Panchayat Anchal-Sahar, District-Bhojpur.

II. For quashing of order dated 27.01.2022 passed in Anganwari Appeal No.1/2020, contained in Annexure-7, whereby the petitioner's appeal has been rejected erroneously without appreciating the open truth of the matter.

III. For consequential direction to respondent to issue selection/appointment letter in favour of petitioner being 2nd in final merit list.

IV. During pendency of this application, the functioning of respondent Sumanti Devi as Anganwari Sevika being based upon forged document, may be kept in abeyance."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of **Seema Kumari vs. The State of Bihar and others**, reported in **(2015) SCC Online Pat 7267**, paragraphs no. 9 to 11 whereof, are reproduced herein below:-



“9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the District Programme officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and



is, accordingly, dismissed."

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are reproduced herein below:-

"4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of Constitution of India. Considering the very nature of engagement which provides of honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.



5. The appeal is dismissed.”

4. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2023
Transmission Date	NA

